

REMARKS

With entry of this preliminary amendment, claims 21-29 will be pending examination. The claims have been rewritten to overcome 35 USC § 112, first and second paragraph rejections issued in the parent to this CPA, and not to distinguish from any prior art. Support for the newly added claims can be found throughout the application as filed, particularly at pages 2, pages 4-5, and the claims as originally filed. Applicants respectfully submit that no new matter has been added. Consideration and allowance are respectfully requested.

The Examiner has objected to specification asserting that the title of the application fails to describe the claimed invention, and for failing to recite a claim the priority documents from which this application benefits. Applicants have amended the title to reflect the claims being prosecuted in the instant application. With respect to the claim for priority, the Examiner's attention is directed to the papers filed together with the application on July 31, 1998, in which the Commissioner was requested to amend the specification recite a claim to priority based on PCT/EP97/000426.

In the parent to this CPA, claims 12-20 were rejected under 35 USC § 112, second paragraph, for allegedly being indefinite. The Examiner stated that the claims were indefinite in the recitation of amino acid numbers because no sequence has been provided to identify the numbered fragments, and for the recitation of an "immunotoxin". Enclosed herewith is a copy of the amino acid sequence of *Clostridium sordellii* lethal Toxin (LT), which is submitted to show that a skilled artisan would understand from the claims as written how to prepare a compound having the recited numbered amino acids.

The Examiner also expressed concern about immature forms of the *Clostridium sordelli* being subject to cleavage, forming numerous N-termini. Applicants appreciate the Examiner's concern, but note that it is misplaced. *Clostridium sordellii* lethal Toxin (LT) is a single chain protein that is not subjected to any known posttranslational processing. Consequently, *Clostridium sordelli* has only one amino terminus. In view of the above, Applicants respectfully submit that the newly added claims are definite.

In the parent to this CPA, claims 12-20 were rejected under 35 USC § 112, first paragraph, as lacking an enabling disclosure. The Examiner objected to the phrasing of the claims with respect to the domains of the claimed invention, as well as the recitation of the term "immunotoxin". Applicants respectfully submit that the pending claims, which recite a compound having specified domains of *Clostridium sordellii* lethal Toxin (LT), are fully enabled, as noted by the Examiner on page 4 of the September 20, 2000 Office Action issued in the parent to this CPA.

The Examiner rejected the claims in the parent to this CPA under 35 USC § 102(b) as being anticipated by Popoff, Roberts, Chaves-Olarte, Green and von Eichel-Strieber. Applicants traverse this rejection for the reasons of record in the parent application. Applicants reiterate that Chaves-Olarte is not prior art to the instant application. Accordingly, Applicants respectfully submit that the claims are patentable over the cited art.

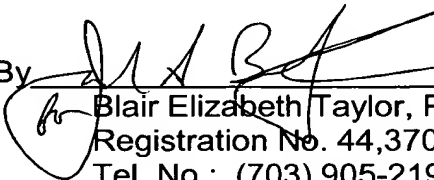
The Examiner rejected the claims in the parent to this CPA under 35 USC § 103(a) as not being patentable over Popoff, or von Eichel-Streiber in combination with Blakey, or Green in combination with Vitetta or Sandhu. Applicants traverse this rejection for the reasons of record in the parent to this

CPA, and respectfully submit that the amended claims are patentable over the cited art.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Notification to that effect is respectfully requested. Should any questions related to patentability remain, the Examiner is invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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Enclosure: Appendix and *C. sordellii* LT amino acid sequence

**APPENDIX
MARK UP VERSION SHOWING CHANGES MADE**

IN THE SPECIFICATION:

The specification has been amended by deleting the existing title
[METHOD OF INACTIVATION OF RAS SUBFAMILY PROTEINS AND
AGENTS THEREFOR]
and replacing it with:
--AGENTS USEFUL FOR INACTIVATION OF RAS SUBFAMILY
PROTEINS--.